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Clio

## **“However long the absence”: Proxies and Female Power in Eighteenth-Century Quebec**

Benoît GRENIER & Catherine FERLAND

We are in Quebec, on the afternoon of October 17, 1727, in the office of the notary Pinguet de Vaucour. A man is conscientiously initialing a document, a young woman by his side. The pair are Denis Constantin and Élisabeth Hevé, married five days previously. By means of this official act, the young wife has just been granted the full right to represent her husband, a long-haul sea-captain by trade, who is getting ready to sail before ice blocks the Saint Lawrence River. This proxy agreement allows Constantin to confer on his young wife, who is twenty years old that very day, “all power to act for him and in his name” in order to “manage generally all of the affairs that pertain to him”, demonstrating an apparently absolute trust in her. As his proxy (*procuratrice*), Elisabeth Hevé will therefore have latitude to act in all areas in the name of her principal (*mandant*), despite her status as a married woman<sup>1</sup>.

The economic activity of Canadian women and, more broadly, the question of “female power” at the time of New France is a territory as yet under-explored by historiography<sup>2</sup>. We have, therefore, only a very limited understanding of the room for manoeuvre that women had during this period, and this understanding is often limited to a place or to a specific group. Some previous research has shed light on the socio-

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<sup>1</sup> Bibliothèque et Archives nationales du Québec, centre de Québec (Library and National Archives of Quebec, hereafter BAnQ): notary J.-N. Pinguet de Vaucour, power of attorney conferred by Denis Constantin, sea-captain, on Elisabeth Hevé, his wife (17 October 1727).

<sup>2</sup> We should however acknowledge the significant and virtually pioneering contribution made by France Parent to this question (Parent 1991) and an influential article by Susan Boyle: Boyle 1987.

economic activity of widows, insofar as the deaths of their husbands freed them from the tutelage of marriage and afforded them new possibilities<sup>3</sup>. Female shopkeepers, often widows moreover, have also been studied, both individually and collectively<sup>4</sup>. Mention should also be made of female religious congregations, a subject on which several historians have conducted rich case studies over the long term, thanks to the often remarkable conservation practices of monastic archives<sup>5</sup>. Married women, who made up the majority of the female population in New France, remain much more difficult to study precisely because of their condition as spouses: exercising their activities in association with their husbands, they participated in production without leaving any trace in source documents as to their specific role<sup>6</sup>.

In this context, the written proxy agreement, or grant of power of attorney, represents a document of inestimable value to remedy the silence of the archives, by allowing us to detect and analyse the moment when power was delegated to women. This article presents the results of research conducted on proxy agreements granted to women in the city of Quebec and the surrounding countryside between 1700 and 1765<sup>7</sup>. By cross-referencing data taken from notarial registers with resources on historical Canadian demography, we were able to carry out a prosopographical study of the female proxy holders, documenting for each one the moment in her life when the proxy was granted, her relationship to the principal and, in most cases, the context that rendered this circumstantial transfer of power necessary<sup>8</sup>. Light

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<sup>3</sup> Brun 2006.

<sup>4</sup> Plamondon 1977; Young 1996; Brun 1995 & 1997; Englebert 2008: 70.

<sup>5</sup> For example: D'Allaire 1986 and, more recently, Gray 2007.

<sup>6</sup> See the remarks of Beauvalet-Boutouyrie 2003: 138.

<sup>7</sup> This article is the result of research supported by the Social Sciences and Humanities Research Council for Canada and follows up on a preliminary text on the question: Ferland & Grenier 2010. We thank in particular Josette Brun, Claire Dolan and Sylvie Steinberg for their valuable comments. Finally, we would like to acknowledge the work of our research assistants in Sherbrooke during this project: Maryse Cyr, Camille Martin, Mathieu Perron and Jessica Barthe.

<sup>8</sup> The identification of agreements for powers of attorney can be carried out easily by means of the research tool, *Parchemin*, which inventories and summarizes all notarial acts for the period prior to 1789. Société Archiv-Histo, *Parchemin* –

can therefore be shed on questions of complementarity and of trust within the couple, in the context of male absence from home. Several works have suggested the relevance of this direction of study, or have used this primary source<sup>9</sup> but, to our knowledge, no study has taken power of attorney as a specific object, with the goal of revealing the historical circumstances during which Canadian women acquired power: a particular episode of female empowerment.

### **The absence of men and the power of women: proxy agreements in Quebec City**

#### *Quebec, capital city of New France in the eighteenth century*

In the eighteenth century, New France was a society in full economic expansion. Whereas during the previous century, the colonial population had been marked by an overpopulation of males, the situation had largely balanced and stabilized itself during the years around 1700. Its resolutely colonial character pervaded every sphere of daily life and contributed to structuring families as well as commercial relationships. Quebec was the principal city and the port of entry into the French Empire in North America. As capital of New France, it was also the place where the representatives of civil, religious and military power resided. This symbolic importance was however based on a small population, if one were to compare it to French cities from the same period: Quebec City numbered 2,573 inhabitants in 1716, 5,207 in 1744 and barely more than 7,000 at the time of the Seven Years War (French and Indian War)<sup>10</sup>.

The close ties that the inhabitants of the colony maintained with France as well as with other French colonies in America led to a great deal of travelling by its population – by its male population, to be

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*Banque de données notariales du Québec ancien (1635-1789)*, consulted at the Library and National Archives of Quebec.

<sup>9</sup> Among others: Michon & Dufournaud 2006; Brun 1997 and 2006: 17-20; Parent 1991: 134; Thatcher Ulrich 1983. Finally, let us mention two very recent articles on a similar context : Ouellet 2010 and Charpentier 2010.

<sup>10</sup> Among the numerous works on the history of Quebec City, consult in particular: Vallières 2008 and Gauvreau 1991.

more precise. The strategic position of Quebec City facilitated relationships toward the east (with the Fortress of Louisbourg and across the Atlantic with mainland France), toward the south (with Louisiana and the French Antilles) and toward the west (with the territories of the Upper Country, especially for fur trafficking and the mobilization of the army in the various forts of this region). Year after year, hundreds of men were obliged to leave the Saint Lawrence Valley for an indeterminate length of time, to serve in their professions or transact business. In this context, the implication of women as legally appointed proxies proved to be a strategy that was not only effective, but necessary. This relationship between men's enforced absence and women's power, in the context of inter-colonial mobility represents a major element in the socio-economic reality of New France<sup>11</sup>.

*Power of attorney:*

*a source through which to observe the power of women*

New France was subject to a French legal framework. From 1664 onward, the system known as the Custom of Paris prevailed in the Saint Lawrence Valley. By virtue of this customary law, the age of majority was fixed at 25 years: before this age, men and women were considered minors and were subject to parental authority. Subsequently, their situations would differ considerably depending on their sex, since marriage had the effect of shifting a woman from the tutelage of her parents to that of her husband. Only those who remained single (by choice or circumstance) would be considered adults and mistresses of themselves. Moreover, since most women married before reaching the age of majority, the female population of New France was, in the main, composed of women considered as minors before the law<sup>12</sup>. This legal incapacity would not come to an end until the death of one's spouse.

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<sup>11</sup> This was notably highlighted by Boyle 1987: 779 and more recently by Englebert 2008: 70.

<sup>12</sup> Under the Old Regime, the only exceptions to this state of fact were, therefore, women who remained single (described as « adult spinsters »), women who were public shopkeepers, widows and, to some extent, women who had been married

It is important to highlight that for lawyers of the time, the legal incapacity of married women was not founded on their presumed lack of "reason": rather, it was considered necessary in order to rank power within the family. "A married woman does not have any weaker reasoning capacity than spinsters and widows, who do not need authorization", specified the eminent jurist from Orléans, Robert-Joseph Pothier<sup>13</sup>. Women's status as minors was nevertheless very limiting. Only a proxy agreement drawn up before a notary would allow them to obtain, circumstantially, the power to make decisions of a certain importance. These female proxy-holders constitute an exemplary illustration of the paradox according to which married women were deprived of any legal capacity while still being considered "capable" when necessary.

At the end of the seventeenth century, Claude Joseph de Ferrière defined a power of attorney contract as follows:

[an act] by which he who cannot attend to his business himself, gives power to another for him, as if he were himself present, either because he is unable to manage or to take care of some good or some affair, or in order to deal with others<sup>14</sup>.

The person who delegates power by proxy is called the *mandant* or "principal". The person who receives the power is the authorized representative or proxy. One also finds the expression "authorized power" or "authorized proxy", which technically refers back to the same reality; that is, that the person is invested with the power of tangible substitution<sup>15</sup>. By the powers that the agreement conferred on her, the married woman proxy escaped the tutelage of her husband. In his *Treatise on the power of the husband*, Pothier affirms that "customs have put the wife in such a state of dependency on her husband that she can do nothing valid, & that has any civil effect, if

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under the regime of separate property holding, or who were separated from their husbands.

<sup>13</sup> Cited in Beauvalet-Boutouyrie 2003: 34.

<sup>14</sup> Claude-Joseph de Ferrière, *La science parfaite des notaires ou moyen de faire un parfait notaire, contenant les ordonnances, les arrest et reglemens rendus touchant la fonction des notaires*, Paris, 1692, p. 423.

<sup>15</sup> For a discussion of this power of substitution, see Riot-Sarcey 1993: 22.

she has not been enabled and authorized by him to do so”<sup>16</sup>. From a strictly legal point of view, the husband must therefore appoint his wife in order that she act in his absence.

The study of power of attorney agreements presents certain methodological limitations, of which the most important is representativity. It is in fact illusory to think that the archives contain the totality of proxy contracts. First of all, unlike minuted contracts, established and recorded, the originals of which were kept in the minute-book of the notary, some compacts were judged less important and were granted by a less formal agreement. This is the case for many proxies: as J.-P. Poisson underscored, these agreements, judged to be of limited importance, have not always been conserved<sup>17</sup>. It is possible that this deficit is accentuated when female representatives were concerned<sup>18</sup>. Furthermore, proxy agreements were not necessarily registered at the notary’s office: they may have been drafted under private signature, or even agreed to verbally. It is not rare to find in notarial archives transactions undertaken by proxy... for which, however, one finds no proxy contract. And inversely, a proxy agreement did not necessarily entail a formal written act before the notary or before the law. Finally, as we shall see below, the incidence of duly notarized proxy contracts was more frequent amongst certain social and professional groups. Despite the limits of this source insofar as representativity is concerned, it nonetheless reveals precious information which it is appropriate now to analyse<sup>19</sup>.

### *Analysis of the agreements*

We identified and indexed 265 notarized proxy contracts in Quebec City between 1700 and 1765 for which the authorized representative was a woman. At first glance, this may appear to be a modest corpus

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<sup>16</sup> Robert-Joseph Pothier, « Traité de la puissance du mari sur la personne et les biens de la femme », in *Traité de droit civil et de jurisprudence française*, tome III, 1781, p. 456.

<sup>17</sup> Poisson 1985 [1968]: 589-592.

<sup>18</sup> Perrot 1998: iv.

<sup>19</sup> Furthermore, official actions taken by women proxies (before a notary or in court) for which there exists no actual contract of power of attorney can also constitute valuable indications of the activity of women in the absence of men.

for such a long period, even on the scale of a population numbering barely several thousand inhabitants. It is, however, a very enviable collection compared to the small number found by Josette Brun<sup>20</sup>. It is legitimate to wonder what proportion of contracts were granted to women, relative to the overall number of powers of attorney recorded in Quebec City over the period. To the extent that we were able to identify a total of 1,271 notarized agreements<sup>21</sup>, it appears that at least one in five was accorded to a woman. This proportion varies greatly between the 46 notaries active during the period studied. For example, in the office of Jacques Barbel, one third of the proxy contracts were registered in the name of a woman, while in the office of Louis Chambalon, they accounted for only 12%. Although these numbers do not at all allow us to claim that New France was living a golden age for women, they do nonetheless reveal that granting power to a woman, far from being marginal, was a relatively frequent occurrence in the cultural landscape of the colony.

Power of attorney agreements were more or less systematically defined as "general and special". This expression, which seems somewhat contradictory *a priori*, signified that the power granted to the authorized representative pertained not only to those activities deemed habitual, but also extended to more exceptional actions that might become necessary according to circumstances. The use of such wording allowed actions to be targeted as a whole, including those that would otherwise require specific designation. This distinction can however conceal some specific features and precise mandates entrusted to female proxies. Without claiming to have compiled a finely-graded typology, reading the documents does indeed make it possible to identify certain missions granted to women standing proxy. Examples of such were to recover debts, receive payments<sup>22</sup>,

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<sup>20</sup> Josette Brun discovered only three proxies among the wives of some 150 merchants from the fortified city of Louisbourg and five proxies in 137 couples from Quebec: Brun 1995: 60 et Brun 2006: 19-20.

<sup>21</sup> Of these, 22 power of attorney agreements between couples were not kept in the analysis, since they contained too little information about the way power was articulated within the couple.

<sup>22</sup> BAnQ, notary J.-N. Pinguet de Vaucour, power of attorney conferred by Louis Denis de la Ronde, knight of the military Order of Saint-Louis and Captain of a



sell or acquire a property<sup>23</sup> or a domain<sup>24</sup>, act as guardian<sup>25</sup>, have an inventory drawn up after a death<sup>26</sup>, represent the principal before the law<sup>27</sup> or be executor for an inheritance. But most often, beyond these precise missions, the authority that was granted to them seems to have been complete, witness an example from June 1724, which presents itself as a standard proxy agreement. The notary Dubreuil defined the nature of the power as follows:

[René Brisson] has made and constituted his special and general authorized representative demoiselle Marie Josephe Doyon his spouse to whom he gives full and complete power for him and in his name to manage and govern all of their affairs and goods [and] even,

the notary continued, a whole series of potential but not exclusive tasks. The power of the female proxy was virtually absolute, as the frequently found formula “without exception or reserve whatsoever” indicates.

How were notarized proxy agreements distributed chronologically in Quebec in the eighteenth century? Let us recall that the period in question includes the longest interlude of peace in the history of New France, between the end of the War of Spanish Succession (1713) and beginning of the repercussions in the colonies from the War of Austrian Succession (1744). Figure 1 shows that the frequency of proxies seems to follow this dramatic curve. The number of powers of attorney remained modest until 1740, then grew regularly over the

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company of troops of a Marine detachment, on Louise Chartier, his wife, from Quebec City (4 May 1734).

<sup>23</sup> BAnQ, notary G. Boucault de Godefus, power of attorney conferred by Jean-Louis Allegrin, on Angélique Petit, his wife, from Trois-Rivières (21 May 1756).

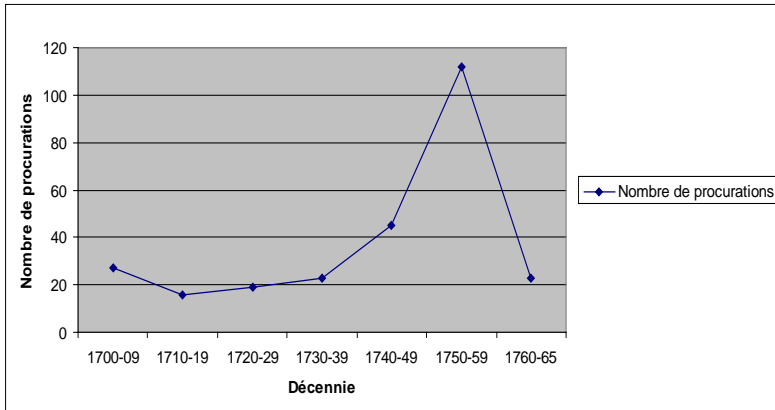
<sup>24</sup> BAnQ, notary G. Boucault de Godefus, power of attorney conferred by Pierre Trostier aka Dezauniers *et al.* on Madeleine Desaulniers, their sister [for the sale of the domain of l'île-aux-Hérons] (8 November 1746).

<sup>25</sup> BAnQ, notary Pierre Parent, deposit of power of attorney conferred by François Bédouin, day labourer, on Ursule Toupin, his wife (15 August 1753).

<sup>26</sup> BAnQ, notary P.-A.-F. Lanouiller-Desgranges, power of attorney conferred by Jean-François Jacquelin on Marie-Élisabeth Blais, his wife (5 November 1753).

<sup>27</sup> BAnQ, notary Florent de Lacetière, power of attorney conferred by René Rainville, of Quebec City, on Elisabeth de Lagaripierre, his mother (16 September 1716).

course of the following years, especially after 1744, leaping spectacularly during the last decade of the French Regime. This can be explained of course by the increase in total population, but also and above all by the context of near-continuous warfare that prevailed in the colony from 1744 to 1760. The historian Louise Dechêne indeed speaks of a “Sixteen Years War” to characterize this period, which ended with the British conquest<sup>28</sup>. This situation clearly accentuated enforced male absence.

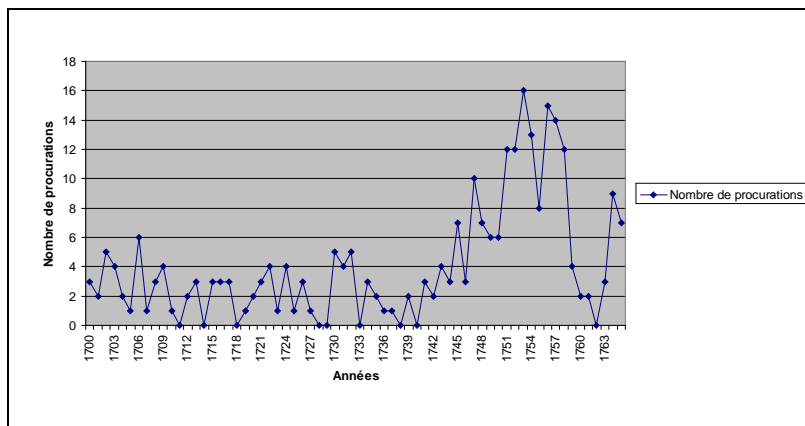


**Figure 1** – Distribution of proxies by decade (265 notarized proxies, Source: BAnQ).

Figure 2 shows the annual distribution of proxy agreements. Note that the number of proxies dropped in 1759, the year that Quebec was taken, only to increase again in 1763 when the Treaty of Paris officially ceded New France to Great Britain. Several of the agreements recorded in 1763, 1764 or 1765 were directly tied to a return to France following the conquest, and bear witness to the role played by the women of the colonial elite, who stayed behind in Quebec and were often mandated to liquidate the family's goods.

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<sup>28</sup> Dechêne 2008: 287-307.



**Figure 2** – Annual distribution of proxies (265 notarized proxies, Source: BAnQ).

In a very large number of cases -- 80% of the 265 powers of attorney in the corpus -- the notary specified the reason that motivated the individual to call upon his services<sup>29</sup>. Some motives were only infrequently invoked. Invalidity, for example, was mentioned on three occasions (1.1%); one principal was in prison; another signed a proxy agreement “in case of death”, in the imminent context of the arrival of the English in Quebec in 1759. Twenty cases or so concerned Frenchmen travelling temporarily in Quebec, who had an agreement drafted in favor of a woman (often a mother or a sister) who remained in France<sup>30</sup>. It was, however, the imminent departure of the principal that was, by far, the most recurring motive invoked in these contracts, accounting for 69%. The 184 principals on the point of leaving were men, with the one exception of one merchant, Catherine Damien. Approximately 60 years old, this woman left Quebec in 1732 for the “islands of America” in order to manage her affairs

<sup>29</sup> Either it is explicitly indicated, or it was possible to deduce it from other information contained in the document or from knowledge of the family and professional situation of the parties.

<sup>30</sup> Although these women were not Canadian, we chose to include these proxies in the corpus since they were notarized in Quebec and testify to the tie between male mobility and the recourse to proxy agreements.

there; she delegated her power to Angélique Chesnay, "adult spinster". This case is as revealing of the rarity of lone women's mobility, as of this quite unusual case of the duo Chesnay and Damien, who were business associates for decades, in addition to living together<sup>31</sup>. Finally, let us highlight that only five proxy agreements were issued to married women leaving for France to take care of business there, which demonstrates the degree to which mobility concerned men more than women in eighteenth-century Canada.

Knowing that the clear majority of contracts were drafted because of the absence of the principal, we sought to discover their destinations. Had it to do with travel within the colony, or was it related to inter-colonial or transatlantic voyages? In fact, departure for "old France" was invoked in 33% of cases, the port of destination being otherwise rarely specified. More than 17% of the principals – often officers or merchants – were leaving for the Upper Country (the Great Lakes region) or toward other forts situated in the interior. Acadia and the Ile Royale and Ile Saint-Jean accounted for approximately 10% of the trips, while 6% of the principals were embarking for the "American Islands" (the French Antilles).

To these long-haul expeditions must be added travel within the region of the Saint Lawrence Gulf (7.6%)<sup>32</sup> or sometimes more modest trips (for example between Montreal and Quebec City or from Quebec City to Saint Paul Bay) which represent 8.2% of cases. Finally, the place of destination remains unknown for 31 of the contracts (16.8%): in these cases, the notary mentions simply that the agreement was valid "during [the] absence from the country", that the principal "was readying to leave for a long journey"<sup>33</sup> even, perhaps,

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<sup>31</sup> BAnQ, notary J.-E. Dubreuil, power of attorney conferred by Catherine Damien on Angélique Chesnay (13 September 1732). The two women also made a mutual donation of all of their goods to each other in 1729.

<sup>32</sup> This includes Terre-Neuve, the posts of la Côte-Nord, le Labrador and Gaspé.

<sup>33</sup> One example: BAnQ, notary Jean-Étienne Dubreuil, power of attorney conferred by René Brisson on Marie-Josèphe Doyon, his wife (9 June 1724); BAnQ, notary Jacques Barbel, power of attorney conferred by Michel Lamy, merchant, on Marie-Anne Petit, his wife (17 August 1732).

“to serve the king”, without however specifying the direction of these journeys.

Considering the time necessary for transatlantic travel and even for travel to the interior, journeys that justified appointing a proxy were often very long. The duration was only rarely specified in the documents, but whenever it was mentioned, it was always a matter of several months or even several years. The power conferred on women in the absence of men was, as a consequence, significant. Let us cite the example of Louise Cartier, whose husband, the merchant Charles-René de Couagne, signed a proxy document in May 1745 while preparing to leave “for several years” in the region called the Upper Country<sup>34</sup>, or the similar case of Louise-Madeleine Dusautoy, authorized representative of her son-in-law who had also gone to the Great Lakes region “for a time of three years”<sup>35</sup>. If the notary at times took care to specify that the proxy contract was valid “however long the absence”<sup>36</sup> or “for the time that it will take to defend the country”<sup>37</sup>, it was understood that such a delegation of power would end upon the return of the principal.

An examination of the seasonal incidence of proxy documents also reveals a strict correlation with climatic colonial realities. The long winter and the difficulty of navigation between November and May meant that transatlantic communications and shipping in general

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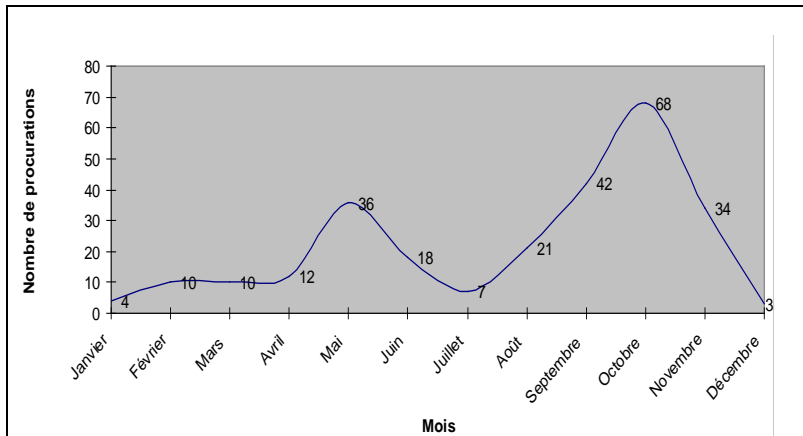
<sup>34</sup> BAnQ, notary J.-C. Panet, power of attorney conferred by Charles-René de Couagne, tradesman, on Louise Cartier, his wife, from Quebec City (28 May, 1745).

<sup>35</sup> BAnQ, notary Claude Barolet, power of attorney conferred by Louis Liénard de Beaujeu de Villemonde, squire and Captain of the infantry, relict of Louise-Charlotte Cugnet, from Quebec City, rue Saint-Louis, guardian of Louise-Julie de Beaujeu de Villemonde, their only child, on Louise-Madeleine Dusautoy, widow of François-Étienne Cugnet, senior counsel to the Conseil supérieur, maternal grandmother of the said minor (12 February 1757).

<sup>36</sup> BAnQ, notary François Genaple, power of attorney conferred by Jacques Barbel, bourgeois, on Louise-Renée Toupin, his wife, from the city of Quebec (6 July 1700).

<sup>37</sup> BAnQ, notary Claude Barolet, power of attorney conferred by Guillaume-Joseph Besançon, bourgeois, on Françoise-Charlotte Blais, his wife, from the city of Quebec (9 October 1749).

were only possible during approximately six months of the year. Since proxy requests were closely associated to the absence of men, it was foreseeable that one would find a correlation between their numbers and seasonal traffic: figure 3 demonstrates this reality, with spikes in spring and fall, that is, after the opening of the river to shipping, and just before the departure of the last vessels before winter. From December to March, requests for powers of attorney were significantly rarer, and concerned primarily movement in the interior of the colony<sup>38</sup>.



**Figure 3** – Seasonal trend of proxy agreements (265 notarized proxy contracts, Source : BAnQ).

From these data, can one (as has been suggested by Susan C. Boyle for Sainte-Geneviève in the Illinois country,<sup>39</sup> and Emmanuelle Charpentier in her work on the the wives of Breton sailors in the eighteenth century) envisage the absence of men as a moment of liberation for women?

<sup>38</sup> These were usually trips to the Upper Country. For example: BAnQ, record P.-A.-F. Lanouiller-Desgranges, power of attorney conferred by Jacques Dufaut on Josèphe Clermont, his wife, from the city of Québec (20 February 1756).

<sup>39</sup> Boyle 1987.

**The authorized representatives:****Socio-demographic and familial characteristics**

Behind these notarized acts with their repetitive wording, a multitude of individual and familial realities can be glimpsed in outline. One cannot claim to understand questions about the delegation of power and man/woman complementarity in this preindustrial society without exploring at least some of the characteristics of the women who acted as proxies<sup>40</sup>. To the 265 agreements studied correspond 221 women, since some were appointed on more than one occasion over the course of their lives. Still, 187 only received this power once (nearly 85%), 26 obtained it twice (11.8%), while a mere eight saw conferred on them more than two episodes of power of attorney. Amongst this last group, Louise Albert was granted power of attorney five times between 1703 and 1715, each time that her husband prepared to leave for France on business<sup>41</sup>. Given the under-recording evoked earlier, it is plausible that these women received delegations of power on other occasions too.

*Canadian bourgeois women*

Because this study focusses on the eighteenth century, a period characterized by a decrease in the founding immigration and a strong natural increase, a clear majority of women proxies (76%) were born in Canada, as compared to only 20% of French birth<sup>42</sup>. Three women were of Acadian origin or from Terre-Neuve [Newfoundland], separate Canadian colonies during this period, while only one of the

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<sup>40</sup> We used a prosopographic approach to identify the women proxies and to reconstitute their families. This work was made possible thanks to the data of the Program in historic research and demography (PRDH) at the University of Montreal, which has inventoried the population of Old Quebec, from its origins until the nineteenth century. ([www.genealogie.umontreal.ca](http://www.genealogie.umontreal.ca)).

<sup>41</sup> This example tends to prove the necessity of a new proxy agreement for each absence of the principal.

<sup>42</sup> Of the 43 French female proxies, 20 still lived in France but were named in a proxy agreement enacted in Quebec. Only 23 of these French women actually lived in Quebec, barely 10% of the group. See *supra*, note 30.

women was born in the English colonies<sup>43</sup>. The place of birth of six of the 221 authorized representatives is unknown (3%).

Taking into account the hierarchy that characterized New France as it did the home country, the socio-professional categories to which the 221 authorized representatives belonged were identified<sup>44</sup>. One observation suggests itself immediately: the female proxy-holders belonged to the privileged strata of this colonial society (figure 4). It was bourgeois women who were most often involved in this type of legal act, with a total of 105 authorized representatives. Under the vague heading of "bourgeoisie" and for lack of a better term<sup>45</sup>, we have grouped the women gravitating around the world of large-scale commerce and trade, but also the wives or daughters of lawyers or non-noble seigneurs<sup>46</sup>. To this category we added wives of long-haul mariners, essentially sea-captains, totaling 18 women. This "bourgeoisie" of New France belonged, therefore, to those milieus situated somewhere between the colonial nobility and less prestigious social groups (artisans, peasants). That said, it is largely a question here of a merchant bourgeoisie. This stratum of the population exercised considerable influence in Quebec City, playing a leading

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<sup>43</sup> She had been taken captive during the war and then integrated into French Canadian society: Marie-Catherine Parsons, who married the lord Claude Bermen de la Martinière.

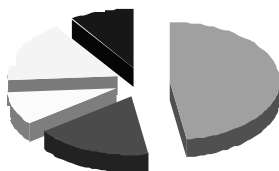
<sup>44</sup> Identification of the women's socio-professional origins was made on the basis of the occupations declared as well as of known titles of nobility: this was made possible by family reconstitution. Since the women rarely declared themselves as having an occupation, we used that of the husband for married women and widows, and that of the father for single women. Beyond that, taking into account the propensity for socio-professional homogamy, the social milieu of origin was generally the same as that of the husband.

<sup>45</sup> For a discussion of the concept of social groups under the Old Regime, see: Nassiet 2006.

<sup>46</sup> In New France as in France, possession of a seigneurial domain did not automatically imply nobility. The colony was nonetheless notable for a good number of non-noble owners of seigneurial estates, and, amongst them, some were of very modest extraction. These families belonged to a world clearly different from that of the grand seigneurial families of the colonial nobility. On the specificity of the seigneurial regime in Canada: Grenier 2012.



role in colonial and inter-colonial affairs<sup>47</sup>. In the absence of the men, women of the families of merchants, traders and sea-captains had to ensure the continuation of business.



**Figure 4** – Social category of the female proxies (265 notarized proxy agreements and PRDH, Source: BAnQ).

Thirty-seven authorized proxies belonged to the select group of the Canadian nobility<sup>48</sup>. That represents 17% of all the women proxies, a proportion well above that of the aristocracy within the Saint Lawrence Valley population, bearing in mind however that this social stratum was overrepresented in Quebec City, a place of power and the seat of the colony's government. Members of the Canadian nobility most often fulfilled military or administrative functions which were the reason for delegations of power of attorney. Figuring notably amongst the proxies is Louise-Élisabeth de Jouybert, wife of the marquis de Vaudreuil, who was then governor of New France. Residing in his château Saint-Louis, she was granted power of attorney on two occasions<sup>49</sup>. Also in this elite group are several wives of ennobled Canadians, such as Françoise Bourolle, who was granted power of attorney in 1744, when her

<sup>47</sup> Mathieu 1981.

<sup>48</sup> On the Canadian nobility: Gadoury 1992; Ruggiu 2008.

<sup>49</sup> BAnQ, notary Jacques Barbel, power of attorney conferred by Philippe de Rigaud de Vaudreuil [...] Governor and Lieutenant General for the king in all of New France to Louise-Élisabeth de Jouybert, his wife, from the city of Quebec (14 November 1709 and 6 November 1712).

husband, Charles Boucher de Boucherville, was preparing to spend the winter in Labrador<sup>50</sup>.

We also found 17% of the proxies originating in the milieu of artisans and small shopkeepers, which translates into 38 women<sup>51</sup>. While the identical percentage indicated an overrepresentation of the nobility, it rather demonstrates here an underrepresentation of this social group. Should it be concluded that the artisanal milieus made little use of power of attorney? In fact, while fewer numbers in this category may have gone to the notary's office to sign an official contract, there is no doubt that close collaboration between spouses was necessary in this professional milieu, and that business had imperatively to be taken care of, no matter what the circumstances. One can also suppose that these jobs required less professional travel. Among the thirty-odd cases inventoried, let us mention that of the wig merchant, Jacques Guérout, or of the inn-keeper, Jean Bureau, who mandated their wives to ensure the continuation of their businesses in their absence<sup>52</sup>.

Finally, amongst the individuals of more modest condition (peasants, soldiers, day-laborers), recourse to power of attorney is rarer still: they account for only 9% of the corpus. The absence of men must also have affected these *habitants*<sup>53</sup>, in particular in the context of war, but it seems that the activities they undertook allowed more easily for their replacement by family members, without it being necessary to have recourse to a formal document. Some *habitants* in the area around Quebec City did nonetheless take precautions by delegating their power,

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<sup>50</sup> BAnQ, notary C.-H. Dulaurent, power of attorney conferred by Charles Boucher de Boucherville de Montarville, squire, on Françoise Bourolle, his wife, from the place Royale du Marché of the lower city of Quebec (7 October 1744).

<sup>51</sup> We distinguished wealthy merchants and traders from those who associated the title of merchant with an artisanal status, for example: *marchand-cabaretier* (wine shopkeeper), *marchand-boucher* (butcher), *marchand-perruquier* (wig maker). These occupations are clearly those of artisans or shopkeepers of lesser status.

<sup>52</sup> BAnQ, notary C.-H. Dulaurent, power of attorney conferred by Jacques Guerout, 'merchant wig-maker', on Marie-Angélique Guenet, his wife, from the city of Quebec, rue Couillard (25 September 1754); notary C. Rageot de Saint-Luc, power of attorney conferred by Jean Bureau, innkeeper, on Madeleine Vermet, his wife (13 October 1701).

<sup>53</sup> *Habitants* was the term used to indicate peasants in New France.

as did Jean Baugis in favor of his wife, Marie Drouin, when he prepared to leave the domain of Beauport to winter on Jésus island, near Montreal, in February 1750<sup>54</sup>. Finally, it was not possible to identify with certainty the social milieu of 21 of the women proxies<sup>55</sup>.

*The wife: a natural authorized representative.*

The principal had to have full trust in his authorized representative and had to be persuaded that she would make the right decisions, because once the power of attorney was signed, his power was transferred completely to her. By signing the document, the principal undertook to validate the actions that would be taken in his name. In power of attorney documents, one finds systematically the following formula, or its equivalent: “approving and ratifying from this moment everything which may be done by the said lady proxy (*dame procuratrice*)”<sup>56</sup>. Over 70% of the proxy powers were conferred from husband to wife, which reinforces the idea that the collaboration was essentially one within the couple. As for the 30% remaining, other than 16 proxies for which it was not possible to establish the tie (6%), and 4 that resulted from a business relationship (or at least from a non-family relationship), 20% involved an intra-familial dynamic. The authorized representative was sometimes a mother, other times a sister or a daughter. The business that they had to manage reveals a level of trust between close relatives. The example of Marie-Thérèse Grenet well illustrates the prime significance of the family: it was to her that her recently widowed son-in-law Martin Chennequi turned, in the fall of 1764<sup>57</sup>. This sea-captain, a native of Bayonne, had to leave at that time for Saint-Jean Island: his wife having passed away several weeks earlier, he entrusted to her mother, his only living relative on this side of the Atlantic, the task of “managing all of the

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<sup>54</sup> BAnQ, notary Pierre Parent, power of attorney conferred by Jean Baugis of the seigneurie de Beauport on his wife, Marie Drouin (15 February 1750).

<sup>55</sup> Essentially those who lived in France.

<sup>56</sup> BAnQ, notary J.-C. Panet, power of attorney conferred by Denis Goguet, tradesman, on Louise Ferey called Duburon, his wife, from the city of Quebec (11 October 1747).

<sup>57</sup> Suzanne Rollet died on 26 August 1764 in Quebec City, leaving behind two young childre. PRDH # 158786.

goods and affairs that he has in this colony"<sup>58</sup>. Limited as it might be, the family network appears to have taken precedence over other types of relationships when it came to entrusting the governance of one's business to another. It would be fascinating to continue a study on the networks of each of the principals in our corpus in order to reconstitute the range of possibilities. It is a likely bet that such analysis would strengthen the hypothesis of the strong cohesion of the family as institution.

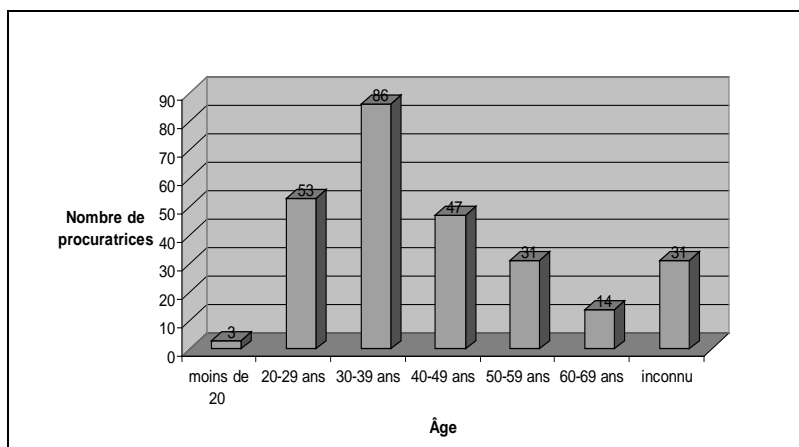
In order better to distinguish the familial context within which the power of attorney was located, we established a family index for each of the 221 female proxy holders in our corpus. Marital status, age, as well as the number of children living at the time of the agreement were noted, making it possible to characterize these women and identify any constant features. First of all, the authorized agents were overwhelmingly married women (80%), followed by widows (15%) and by several "adult spinsters" or separated women (3%). Marital status is unknown for only four of the women (2%). Figure 5 presents the distribution of authorized representatives according to age. More than 70% were under 50 years old and it is amongst the 30-somethings (32.5%) that we find the largest number, followed by women in their twenties (20%), then by those in their forties (18%). At one end of the spectrum, three of the proxies were not yet 20 years old, among them Louise Martel de Brouage, wife of the royal engineer, Gaspard-Joseph Chaussegros de Léry: she was only 17 years old<sup>59</sup>. At the other end, barely 17% were over 50 years old, amongst them a fair number of widows. There remain approximately 30 women for whom the date of birth is unknown. These data regarding age make it necessary to qualify the observations of Susan C. Boyle, according to which it was more mature women who exercised a

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<sup>58</sup> BAnQ, notary C. Louet, power of attorney conferred by Martin Chennequi, sea-captain, from the city of Quebec, on Thérèse Grenet (10 September 1764). Furthermore, when he remarried in 1768, it would be to a niece of his mother-in-law, a cousin of his first wife. See PRDH, file # 45058: marriage of Martin Chennequi and Marie-Louise-Angélique Grenet (8 February 1768).

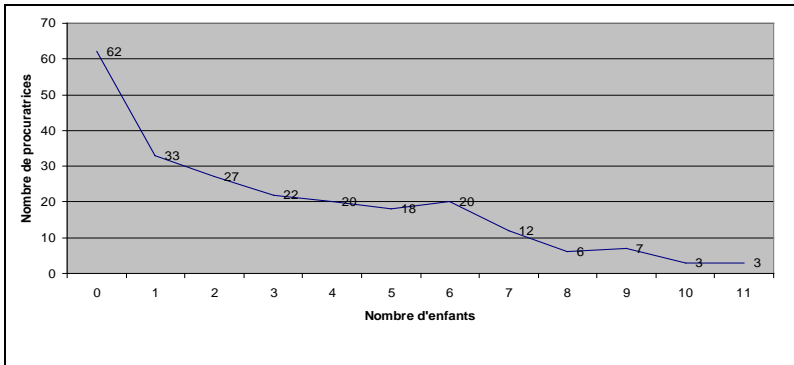
<sup>59</sup> BAnQ, notary Claude Barolet, power of attorney conferred by Gaspard-Joseph Chaussegros de Léry, squire and lieutenant of the infantry, on Louise Martel de Brouage, his wife, from the city of Quebec (22 June 1756).

predominant influence on the affairs of the couple and of the family. Our sample shows that in Quebec, some young and even very young authorized representatives were considered capable of taking over during the absence of their husbands.



**Figure 5** – Age of women at the time of the power of attorney agreement (265 notarized proxy agreements and PRDH, Source: BAnQ).

Cross-referencing the 265 powers of attorney with the family indexes allowed us to determine the number of living children for whom these women had responsibility at the moment of drawing up the contract. By excluding the 32 women for whom the information could not be verified, we calculated that the proxies, without regard to age, had on average three children living on the day that the document was signed. But it should also be noted that 62 of them (23%), the largest contingent, had no children at all, and that 33 women (12.5%) had only one child (see figure 6). This is indeed a remarkable phenomenon, particularly in a group constituted, to the tune of more than 85%, by married women or widows. Confining the analysis only to those proxies who were mothers, the average number of living children per woman went up from 3 to 4.



**Figure 6** – Number of living children at the moment of the proxy agreement (Source: PRDH).

One must be careful not to interpret these numbers according to current values and to see in these numbers an indication that their delegated power was facilitated by the absence or limited number of children, a phenomenon that characterizes contemporary societies. These demographic data, notably those regarding women with no children or with a single child, reveal first and foremost the high rate of infant and child mortality. On the scale of New France, it is estimated that half of all children died before the age of 10<sup>60</sup>. Indeed, as we shall see, the women in our sample, independent of their social status, did not escape this sad reality.

#### *Powers of attorney and mutual trust: a few conclusions*

Understanding that granting power of attorney to a woman was located primarily within the dynamics of the family, it is possible to take the reflection a step further, as to the relationship of trust implied, in particular between spouses. First of all, the departure of the husband obviously necessitated a pragmatic approach, and their spouses were required to rally round regardless of other circumstances. Enforced personal mobility took no account of the vicissitudes of family life. The wife, despite all of the circumstances that one could imagine to be constraining and little suited to this temporary taking of power

<sup>60</sup> Mathieu 2001 [1991]: 80.

(pregnancy and infant mortality in particular), was nonetheless at the heart of the decisions concerning the family, as is revealed by cross-analysis of powers of attorney contracts and the civil registers.

At least twenty-five women were pregnant at the moment of the agreement, which represents about 15% of the married proxies. While a few of them were only at the beginning of their pregnancies, others presented themselves at the notary's office at 7, 8 or even 9 months pregnant. For example, Marie-Josèphe Doyon gave birth three weeks after her husband had departed on a "long haul voyage", while the pregnancy of Françoise Barolet came to term one week after her husband and principal, the merchant Jean-Antoine Bedout, embarked for Saint-Domingue. In another case, Louise Albert gave birth to her fourth child five days after having received power of attorney from her husband, the merchant Pierre Plassant<sup>61</sup>. For these women, wives of traders or artisans, the imminent birth of a child does not appear to have constituted an impediment, even if it involved considerable responsibility. Although there may possibly have been assistants, apprentices or even other family members upon whom the proxy holder could call for help in her functions, nonetheless these situations clearly illustrate the need to reconcile the role of mother and that of wife and partner, in a society characterized by the absence of partitions between the world of the family and that of work, and by the dovetailing of what would later be defined as the public and private spheres<sup>62</sup>.

Other examples reinforce the impression that wives were ready to take over, whatever the cost. At times, the birth of a child was very recent (13 cases), at other times it was the death of a child that had just occurred (10 cases) or was to occur in the days or weeks following the signing of power of attorney (5 cases). The example of

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<sup>61</sup> BAnQ, notary J.-E. Dubreuil, power of attorney conferred by René Brisson on Marie-Josèphe Doyon, his wife (9 June 1724); notary J.-C. Panet, power of attorney conferred by Jean-Antoine Bedout, merchant, on Françoise Barolet, his wife, from the city of Quebec, (18 October 1747); notary Jacques Barbel, power of attorney conferred by Pierre Plassant, bourgeois merchant, on Louise Albert, his wife, from the city of Quebec (15 November 1703).

<sup>62</sup> Beauvalet-Boutouyrie 2003: 103. See also Tilly & Scott 1987 [1978]; Juratic & Pellegrin 1994.

Françoise-Charlotte Blais illustrates these difficult situations, which nevertheless did not exclude women of New France from managing family businesses. She gave birth on 26 September 1749 to her ninth child, a little girl called Marie-Anne. The following month, on 9 October, she was granted power of attorney by her husband who was leaving for France for an undetermined time<sup>63</sup>. Five days later, on 14 October, the child died – the fifth child this woman had lost. The case of Françoise-Charlotte Blais is not unique, but testifies to the necessity of combining the role of mother and that of stand-in for her husband. Still, we would need more information about the practices regarding wet-nurses<sup>64</sup> in order to know whether the women in this sample truly had responsibility for their new-borns. What was the situation of Madeleine Vermet, wife of the inn-keeper Jean Bureau, who gave birth to twins several months before the departure of her husband?<sup>65</sup>

A second assessment invites us to speculate as to the exact nature of the link of trust between spouses. Although proxy holders had been, on average, married for ten years at the time that they were designated by their husbands, some of them had been married for so short a time that one might query the existence of a relationship of trust. These latter, however, despite their married life having been very recently begun, do seem to have been the “natural” stand-ins for their husbands. Figure 7 shows the distribution of authorized representatives according to the length of their marriage.

What might seem surprising is the fact that 18 women had been married for less than a year, and half of that group had been married for less than one month. In August, 1730, Marie-Anne Cluzeaux, 20 years old, was appointed the authorized representative of her husband, whom she had married in January of that same year<sup>66</sup>. The time

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<sup>63</sup> BAnQ, notary Claude Barolet, power of attorney conferred by Guillaume-Joseph Besançon, bourgeois, on Françoise-Charlotte Blais, his wife, from the city of Quebec, (9 October 1749).

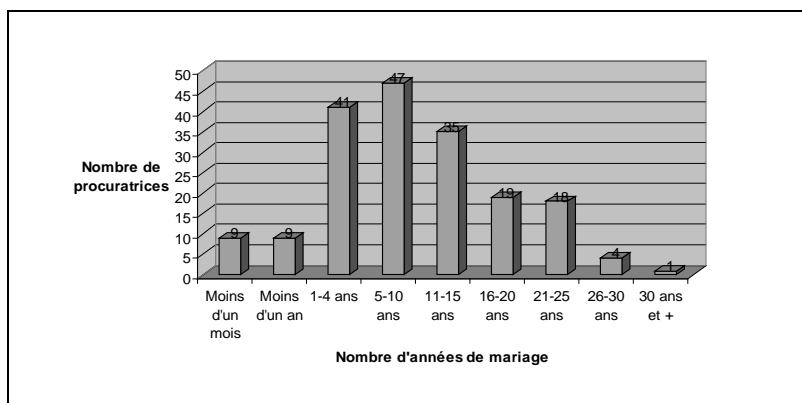
<sup>64</sup> On this question, see Gauvreau 1987.

<sup>65</sup> BAnQ, notary C. Rageot de Saint-Luc, power of attorney conferred by Jean Bureau, innkeeper, on Madeleine Vermet, his wife (13 October 1701).

<sup>66</sup> BAnQ, notary J.-N. Pinguet de Vaucour, power of attorney conferred by Jacques Daniaux, to Marie-Anne Cluzeaux, his wife, from the city of Quebec (5 August 1730).



between the wedding and the departure of the husband was sometimes even shorter, witness the case of Marie-Madeleine-Régisse Chaussegros de Léry, who married Louis Legardeur de Repentigny barely ten days before the latter left for the Upper Country, entrusting his new wife, at the age of 26, with the responsibility to “govern and administer all of their goods and affairs”<sup>67</sup>.



**Figure 7** – Length of marriage at the moment of the proxy agreement (Source: PRDH).

It was a similar situation for Marie-Élisabeth Blais, whose husband, the merchant Jean-François Jacquelin, embarked for France barely 15 days after the wedding ceremony<sup>68</sup>. The record belongs, however, to Madeleine-Louise Juchereau Duchesnay, who had been married for only two days when her husband, an officer of Basque origin, Michel de Salaberry, prepared to return to the command of his vessel: the “young” wife was, however, nearly 40 years old and belonged to a

<sup>67</sup> BAnQ, notary J.-A. Saillant de Collégien, power of attorney conferred by Louis Legardeur de Repentigny, squire and officer in the troops of a Marine detachment, on Marie-Madeleine-Régisse Chaussegros de Léry, his wife, from the city of Quebec (30 April 1750).

<sup>68</sup> BAnQ, notary P.-A.-F. Lanouiller-Desgranges, power of attorney conferred by Jean-François Jacquelin, merchant, from Quebec, rue Saint-Pierre, on Marie-Élisabeth Bled, his wife, former wife of Jean-Baptiste Huppé called Lacroix (5 November 1753).

pre-eminent family of the Canadian aristocracy<sup>69</sup>. Do these cases relativize the notion of trust? Can one interpret as a testimony of matrimonial esteem a power of attorney granted only a few days or months after the wedding? If the appointment of the wife appears to be so apparently "natural", even when the unions were so recent, we believe that the reason is a fundamental factor in the formation of couples: homogamy.

The choice of marriage partners and the socio-professional milieu from which the women proxy-holders came (often the same as that of their husbands) contributed in all likelihood to nourishing this trust, despite the absence of a mutual, well-established familiarity between the newly-weds. It is reasonable to believe that this capacity for action and for decision-making which the proxies were assumed to possess testifies to a degree of competence acquired from the bride's family circle of parents and relatives even before the wedding. The motivations presiding over the choice of a wife, in particular within elite groups, certainly include this factor of "competence". While these hypotheses remain difficult to verify, a socio-demographic analysis of proxy holders very clearly reveals a high level of dynamism among the women of New France, a dynamism which was perhaps stimulated by the context of enforced male absence.

In New France as in most preindustrial societies, conjugal relationships were structured according to patriarchal norms that dictated the rules of the game and put the wife in a subordinate position. Once they were widowed, women gave proof of a business capacity that had its roots long before in their previous conjugal life, and indeed often in the years of their youth when living with their parents and relatives. Collaboration between spouses and the participation of married women in business dealings remains nonetheless a nebulous question on account of the relative silence that surrounds them. By studying the women proxy holders of Quebec City for the period 1700-1765 from notarial registers and the

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<sup>69</sup> BAnQ, notary C.-H. Dulaurent, power of attorney conferred by Michel Sallaberry, Flute Captain, on Madeleine-Louise Juchereau-Duchesnay, his wife (1 August 1750). On the family of this proxy, in particular her mother, see: Grenier 2005.

civil record, it is possible to penetrate at least partially the cloak of darkness which has obscured the memory of women. This type of delegation of power is unique neither to *ancien régime* France nor to the French colonies in America. Similar attitudes have been observed at different periods in the English-speaking world, on both the European and American sides of the Atlantic<sup>70</sup>. In pre-industrial societies, the women of the family were undoubtedly counted upon to contribute to the family business; when the proxy holder was a wife, mother or daughter, the choice “testifies to trust in her and to [the] will to keep business management within the linear family”<sup>71</sup>. This statement certainly applies to eighteenth-century Quebec City.

In observing seventeenth-century Canada, some historians have had a tendency to see in it a society if not emancipatory, at least one allowing a wider margin of manoeuvre to women<sup>72</sup>. Is it an idealized image to represent New France as offering its female population a broader range of possibilities?<sup>73</sup> Or, on the contrary, have researchers underestimated the place women occupied in economic activities there?<sup>74</sup> Whatever the case may be, there can be no doubt that after the first founding decades, colonial society tended increasingly towards a normalization of masculine and feminine roles in the eighteenth century, as a result of the demographic equilibrium that had been reached. Recent works have seriously relativized the “privileged” status of Canadian women under the French regime and have reaffirmed the strength of the patriarchy that structured this colonial society<sup>75</sup>. The debate, however, is far from being concluded as concerns the nature and limits of the exercise of power by women, as is highlighted in a recent article by Jan Noel<sup>76</sup>. As Allan Greer

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<sup>70</sup> For example: Ewan 1992; Van Kirk 1992.

<sup>71</sup> Michon & Dufournaud 2006: 7.

<sup>72</sup> Witness the debate on this subject between Micheline Dumont and Jan Noel in the early 1980s: Noel 1981; Dumont 1982; Noel 1982, as well as Susan C. Boyle’s work on Sainte-Geneviève in the country of Illinois in the eighteenth century (Boyle 1987).

<sup>73</sup> Noel 1981.

<sup>74</sup> Hufton 1984; Young 1996.

<sup>75</sup> Greer 2000; Brun 2006; Gray 2007; Grenier 2009.

<sup>76</sup> Noel 2010.

notes in his *Brève histoire des peuples de la Nouvelle-France* (A Brief History of the Peoples of New France) taking the measure of the impact of the men's absence on the activities of women is essential if one is to make a case for the originality of female power in Canada<sup>77</sup>. By focusing our study on the power of substitution that a power of attorney (or other proxy agreement) conferred, it is possible partly to lift the veil hiding the degree to which wives were implicated, and to observe that they often proved themselves to be much more than mere 'helpmates' for their husbands. The challenge of reconciling work/family, to use a very current expression, was part of daily life for women in eighteenth-century Canada.

Translated by Melissa Wittmeier

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<sup>77</sup> Greer 2000: 94.

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